

**ADMINISTRATIVE APPROVAL APPLICATION  
NON-CONFORMING USES  
CITY OF FAIRFAX**

I/We \_\_\_\_\_ hereby apply to continue/ alter/ or enlarge (circle one)  
(Name of Property Owner or Agent)  
a legal nonconforming use, located at \_\_\_\_\_  
(Site Address)

pursuant to **Section 110-127** of the City Code, which states:

"...the Zoning Administrator may approve the continuation, alteration, and/or enlargement of any legally existing commercial, industrial, institutional, or government building by an amount not to exceed the lesser of twenty five percent (25%) or 5,000 square feet, provided that the building, location, lot, and use shall comply with all of the regulations of the zoning ordinance except for preexisting deficiencies and further provided that such enlargement shall not increase the extent of nonconformity. The Zoning Administrator may approve such continuation, alteration, and/or enlargement only after considering:

1. Consistency with the comprehensive plan and other adopted city goals and policies;
2. The size and shape of the lot on which the use is proposed;
3. Vehicular and pedestrian traffic;
4. Trip generation characteristics of the proposed use;
5. Site design;
6. Lighting, noise, traffic, sight, smoke, dust, odor, vibration, and other factors which may affect the serenity of the neighborhood;
7. The safety and movement of vehicular traffic upon adjacent streets;
8. The safety and welfare of residents living in the area;
9. The location, height, and design of buildings, walls, fences, and landscaping proposed;
10. Overall impact of the proposed use upon the development and use of adjacent land;
11. Safety and welfare of persons working in the neighborhood;
12. Harmony of the proposal with the general purpose and intent of the applicable article of the zoning ordinance; and
13. The purposes of zoning ordinances set forth in section 15.2-2283 of the Code of Virginia."

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**A DEVELOPMENT PLAN MUST BE SUBMITTED AS REQUESTED BY  
THE ZONING ADMINISTRATOR**

WITNESS the following signature:

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Phone Number

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_, in the State of \_\_\_\_\_.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Application Approved by \_\_\_\_\_  
Zoning Administrator

Date \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 110-101(c) AND (d), ARTICLE II,  
DIVISION 4 AND SECTION 110-127(c), ARTICLE II, DIVISION 5,  
CHAPTER 110 OF THE CODE OF THE CITY OF FAIRFAX, VIRGINIA.

WHEREAS, the City Code regulations regarding site plan requirements do not adequately reflect the goals and objectives of the Comprehensive Plan; and

WHEREAS, both the information required by the City Code to be provided on site plans and the site improvements required by the City Code for minor site improvements inhibit revitalization of existing buildings and sites in the City of Fairfax.

BE IT ORDAINED, by the City Council of the City of Fairfax, that sections 110-101(c) and (d), Article II, Division 4, Chapter 110 of the Code of the City of Fairfax, Virginia is hereby replaced in its entirety as follows:

Sec. 110-101. Development of land use requiring a site plan.

(c) A minor site plan may be submitted for any of the following:

- (1) New or expanded paved areas and associated curb and gutter to support parking, loading, trash or recycling enclosures, or similar facilities, provided that the area of the expansion is less than 25% or 2,500 square feet (whichever is less) of the existing paved area;
- (2) Modification of screening or landscaping materials or design;
- (3) Minor expansion of a building or buildings, not to exceed the lesser of twenty-five percent (25%) of the floor area or five thousand (5,000) square feet beyond that which is shown on the original approved site plan or beyond that which is shown on a subsequent site plan for an expansion that was approved without utilizing these minor expansion provisions; or
- (4) Minor expansion of a building or buildings, not to exceed the lesser of twenty-five percent (25%) or five thousand (5,000) square feet beyond that which was constructed prior to the original adoption of a requirement for site plan approval on December 2, 1969. It shall be the responsibility of the applicant to provide the information necessary to prove to the satisfaction of the zoning administrator that the building existed in the current configuration prior to December 2, 1969.
- (5) Items listed under plan of development (subsection (d) below) may also be included in a minor site plan submission.

(d) A plan of development may be submitted for any of the following:

- (1) Restriping of an existing parking lot, including loading areas;
- (2) Construction of trash enclosures and recycling enclosures, to include installation of concrete pads over existing pavement as necessary;
- (3) Change in use of a multiple use property;
- (4) Addition or modification of site lighting facilities;
- (5) Installation of wheel stops and limited landscape islands and curb and gutter, subject to review and approval by the Director of Public Works;
- (6) Temporary uses or structures listed in Article III of this chapter as permitted temporary uses in the district applicable, with the additional requirement that such temporary uses or structures will be removed within one year of initial placement; or

- (7) Other changes to approved site plans or to projects that existed prior to December 2, 1969 that, in the opinion of the zoning administrator, are similar to and carry no more impact than one or more of items 1 through 6 of this subsection.

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, that Section 110-127(c), Article II, Division 5, Chapter 110 of the Code of the City of Fairfax, Virginia, is hereby replaced in its entirety as follows:

Sec. 110-127. Qualifications of nonconforming uses.

- (c) Notwithstanding the definitions of "nonconforming building or use," "nonconforming lot" and "nonconforming location" in section 110-4 and the restrictions of section 110-127(a), the zoning administrator may approve the continuation, alteration, and/or enlargement of any legally existing commercial, industrial, institutional, or government building by an amount not to exceed the lesser of twenty-five percent (25%) or five thousand (5,000) square feet, provided that the building, location, lot and use shall comply with all of the regulations of the zoning ordinance except for preexisting deficiencies and further provided that such enlargement shall not increase the extent of nonconformity. The zoning administrator may approve such continuation, alteration, and/or enlargement only after considering:

- (1) Consistency with the comprehensive plan and other adopted city goals and policies;
- (2) The size and shape of the lot on which the use is proposed;
- (3) Vehicular and pedestrian traffic;
- (4) Trip generation characteristics of the proposed use;
- (5) Site design;
- (6) Lighting, noise, traffic, sight, smoke, dust, odor, vibration and other factors which may affect the serenity of the neighborhood;
- (7) The safety and movement of vehicular traffic upon adjacent streets;
- (8) The safety and welfare of residents living in the area;
- (9) The location, height and design of buildings, walls, fences and landscaping proposed;
- (10) Overland impact on the proposed use upon the development and use of adjacent land;
- (11) Safety and welfare of persons working in the neighborhood;
- (12) Harmony of the proposal with the general purpose and intent of the applicable article of the zoning ordinance; and
- (13) The purposes of zoning ordinances set forth in section 15.2-2283 of the Code of Virginia.


\* \* \*

The ordinance shall become effective as provided by law.

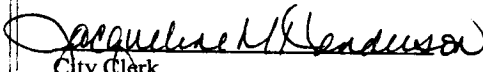
Planning Commission hearing: November 12, 2001

City Council hearing: November 13, 2001

Adopted: November 13, 2001

  
\_\_\_\_\_  
Mayor  
November 17, 2001  
\_\_\_\_\_  
Date

ATTEST:

  
\_\_\_\_\_  
City Clerk

The vote on the motion to adopt the ordinance was recorded as follows:

	Vote
Councilman Coughlan	<u>Aye</u>
Councilman Greenfield	<u>Aye</u>
Councilman Lederer	<u>Aye</u>
Councilman Petersen	<u>Aye</u>
Councilman Rasmussen	<u>Aye</u>
Councilman Silverthorne	<u>Aye</u>